

Minutes

Bar Harbor Town Council

October 7, 2008

- I. **CALL TO ORDER** – 7:02 P.M. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Sandy McFarland, Julia Schloss, Greg Veilleux, and Robert Jordan, Jr.; and Town Manager Dana Reed.

A. **Excused Absence(s)**

- II. **APPROVAL OF MINUTES:**

A. *September 16, 2008 Special Meeting*

B. *September 16, 2008 Regular Meeting*

Mr. Paradis, with second by Mr. McFarland, moved to approve the minutes of the September 16, 2008 special and regular meetings as presented. Motion passed 7-0.

- III. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Ms. Schloss, moved to adopt the agenda as presented. Motion passed 7-0.

- IV. **FINANCIAL STATEMENTS:** (Customarily presented at the second meeting each month)

- V. **PUBLIC HEARINGS:**

- A. **Vacation Rentals Ordinance** – *Public hearing on and possible adoption of an amendment to clarify registration procedures.* – There being no comments, Mr. Paradis, with second by Ms. Schloss, moved to adopt the Vacation Rentals Ordinance Amendment as proposed. Motion passed 7-0.

Vacation Rentals Ordinance Amendment

Town of Bar Harbor
#2008-03

An Amendment to clarify registration procedures.

The Town of Bar Harbor hereby ordains that Chapter 190 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 190, VACATION RENTALS

§ 190-1. Purpose.

The purpose of this chapter is to regulate the use in alignment with state laws and regulations.

§ 190-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
VACATION RENTALS -- As defined in Land Use Ordinance § 125-109.

§ 190-3. Registration; procedure.

- A. All vacation rentals shall be registered with the Town of Bar Harbor prior to rental. Registration forms shall be filed with the building permit files under the management of the Code Enforcement Officer.
- B. Property owners with vacation rentals that qualify for a homestead exemption (36 M.R.S.A. §§ 681 through 689, respectively) shall register the use of their property under this chapter initially. All other property owners with vacation rentals must register such use under this chapter annually.
- C. Registration forms shall include the following information:
 - (1) Name and mailing address of the owner of the property;
 - (2) Physical address of the property to be rented;
 - (3) Local contact name and phone number;
 - (4) Determination of qualifications for homestead exemption status;
 - (5) Determination of land use ordinance compliance.
- D. If inspection is required by this chapter, then the property shall pass inspection prior to the issuance of the registration card.
- E. A registration card shall be issued to the property owner upon submission of the completed form and payment of any fees as may be set from time to time by the Town Council. The card shall certify that the applicant has met all requirements in this chapter and the Land Use Ordinance as attested by both the Fire Chief and the Code Enforcement Officer or his/her designee. The registration card for renewal of an unexpired vacation rental registration shall be valid for twelve months from the date of expiration of the previous registration card, regardless of the date of issuance of the renewal registration.
- F. An approved registration card shall be posted on the premises of the vacation rental unit for convenient inspection by a vacation rental occupant.
- G. Registration does not relieve the property owner from the obligation to obtain any additional permits necessary for the use.

§ 190-4. Inspections; compliance with certain regulations.

- A. Vacation rentals in homestead exemption properties do not require a life safety inspection.
- B. Vacation rentals in all other properties shall be inspected initially by the Fire Department for life safety requirements.
- C. Compliance with certain regulations required.
 - (1) For the purposes of this chapter, vacation rentals shall comply with the following chapters of the NFPA 101 Life Safety Code, as most recently amended and edited, and as applicable:
 - (a) Chapter 4, General.
 - (b) Chapter 6, Classifications of Occupancy and Hazard of Contents.
 - (c) Chapter 7, Means of Egress.
 - (d) Chapter 9, Building Service and Fire Protection Equipment.
 - (e) Chapter 24, One and Two-Family Dwellings.
 - (f) Chapter 30/31, New and Existing Apartment Buildings.
 - (2) Additionally, vacation rentals shall comply with Chapter 70, Electrical Inspections, of this code as it may be amended, edited and as applicable.

§ 190-5. Enforcement; violations; appeals.

- A. Enforcement authority. The provisions of this article shall be enforced by the Code Enforcement Officer.

B. Violations. A violation of this article shall constitute a violation under the Land Use Ordinance, Chapter 125, Article X, Enforcement.

C. Appeals. An appeal from the action of code enforcement or the Fire Department may be sought through the powers and responsibilities in the Land Use Ordinance, Chapter 125, § 125-103, Administrative appeals.

~~§ 190-6. Effective date.~~

~~Should the Weekly Rentals Land Use Ordinance amendment be adopted by Town Meeting on June 13, 2006, this ordinance shall become effective on November 15, 2006.~~

~~Should said Land Use Ordinance amendment not be adopted by the Town, this ordinance shall be thereby repealed.~~

[end of ordinance]

B. Special Amusement Permit Renewal: Little Anthony's, 131 Cottage Street for a Class 3ad, three or more musicians with mechanical amplification and dancing special amusement permit as submitted by Greg Noble. – There being no comments, Mr. Paradis, with second by Mr. Veilleux, moved to approve the Special Amusement Permit Renewal for Little Anthony's as requested. Motion passed 7-0.

VI. REGULAR BUSINESS:

A. Maine Municipal Association: Voting Credentials – Possible selection of a delegate to the annual meeting. – Mr. Paradis, with second by Mr. Jordan, moved to appoint Dana Reed the official Voting Delegate and Patricia Gray as the alternate Voting Delegate for the upcoming MMA Annual Business Meeting. Motion passed 7-0.

B. Parks & Recreation Committee – Possible acceptance of Dan Berry's letter of resignation. – Mr. Paradis, with second by Ms. Schloss, moved to accept the resignation of Dan Berry from the Parks & Recreation Committee, thank him for his service, and wish him the best of luck in his new job. Motion passed 7-0.

C. Economic Development Task Force:

1. *Possible acceptance of Chris Jones' resignation as the Chamber representative.* -
2. *Possible acceptance of David Towle resignation as MDI Biological Lab's representative.*

Mr. Paradis, with second by Ms. Schloss, moved to accept the resignations of Chris Jones and David Towle from the Economic Development Task Force and thank them both for their service. Motion passed 7-0.

3. *Application of Mark Hanscome to serve as MDI Biological Lab's representative.* – Mr. Paradis nominated Mark Hanscome to serve as MDI Biological Lab's representative on the Economic Development Task Force. Mr. Hanscome was duly appointed by a unanimous vote.

4. *Application of Matt Horton for the seat representing a downtown anchor.* – Mr. Garland nominated Matt Horton, for the seat representing a downtown anchor, on the Economic Development Task Force. Mr. Horton was not present to answer questions. Following discussion, Mr. Paradis, with second by Mr. McFarland, moved to defer action on Matt Horton's appointment until the October 21, 2008 meeting. Motion passed 5-2 (Nay: Mr. Garland, Mr. Jordan)
- D. Committee Consultations** – Discussion of current projects, future plans and any support needed from Town Council.
1. **Communications Technology Task Force** – Brian Booher, CTTF member, recapped their projects since last January, and requested any suggestions or recommendation from Council for future projects.
 2. **Scenic Byway Corridor Management Committee** – Anne Krieg, Planning Director, gave a brief overview of their recent projects which included collection of data for the Dark Sky ordinance, Eden Street sidewalk remains on their list, and the most recent project was working with the MDOT landscape architect for the head of the Island.
 3. **Design Review Board** – Diana de los Santos, member of the board, reported much of their work is concentrated on preparing an ordinance amendment for the June town meeting for signage. The board will be holding a workshop and encourages the public to attend or at least give their input on the draft ordinance October 9th and reported that there would be one more opportunity on November 13th.
- E. YMCA: Games of Chance Licenses** – *Request of the YMCA for approval of five game of chance licenses for a fundraiser to be held on November 1 at the Bar Harbor Club* – Mr. Paradis, with second by Ms. Schloss, moved to approve and sign the applications for the YMCA Casino Night game of chance licenses as presented. Motion passed 7-0.
- F. Water Treatment** – *Meeting with Woodard & Curran engineer Ron Hidu to discuss alternatives for meeting Federal Long Term 2 Enhanced Surface Water Treatment Rules and the Stage 2 Disinfection By-Products Rule.* – Mr. Paradis, with second by Mr. Veilleux, moved to adopt the drinking water recommendations of Woodard & Curran for ultraviolet/sodium hypochlorite primary disinfection and chloramines for secondary disinfection, and to begin negotiations with Acadia National Park to acquire the Eagle Lake site, both, as described in their report dated October 1, 2008. Motion passed 7-0.
- G. Water Rate Increase** – *Public Utilities Commission decision to allow inclusion of meter replacement costs in our rate base.* – Mr. Paradis, with second by Ms. Schloss, moved to authorize staff to work with the PUC on an accounting change to expense new meters and to add such direct expenses to the rate base for the pending rate case and further, to direct staff

to utilize the methodology for direct expensing of all new meters and their components. Motion passed 7-0.

- H. Glen Mary Wading Pool** – *Request of the Town Manager for permission to accept a \$26,000 grant from the Bar Harbor Village Improvement Association to assist with pool renovations.* – Mr. Paradis, with second by Ms. Schloss, moved to accept a \$26,000 grant from the Bar Harbor Village Improvement Association for the express purpose of supplementing Town funds in completing the Glen Mary Wading Pool improvements, to appropriate the grant to account 2159-6332 and to request staff to send an appropriate letter of appreciation to the VIA. Motion passed 7-0.

I. Parking and Traffic Committee:

1. *Application of Sandy McFarland for the open “at-large” seat, which expires June 30, 2009.* – Mr. Paradis nominated Sandy McFarland for the open “at-large” seat on the Parking and Traffic Committee with an expiration date of June 30, 2009. Mr. McFarland was duly appointed by a vote of 6 -0-1 (Abstained: Mr. McFarland).
2. *The following committee recommendations to the Town Council were a result of their September 3rd meeting:*
 - a. **York Street and Lennox Place** – *Recommend Council’s support of the widening of the streets and discussion with property owner about a possible parking garage.* – Mr. Paradis, with second by Mr. Veilleux, moved to support the concept of the widening of York Street and Lenox Place, and discussion with property owner about a possible parking garage. Motion passed 7-0.
 - b. **Newport Drive: Recreational Boaters Parking** – *Recommend opening trailer parking next to Agamont Park to permitted recreational boaters.* – Mr. Paradis, with second by Mr. Veilleux, moved that the spots dedicated for trailer parking in the Newport parking area be opened up to recreational boaters who receive a permit from either the Harbor Master or the Police Department as recommended by the Parking and Traffic Committee. Motion passed 7-0.
 - c. **Derby Lane** – *Recommend the creation of a forty foot “No Parking Zone” on Derby Lane.* – Mr. Paradis, with second by Mr. Veilleux, moved to create a forty foot “No Parking Zone” on Derby Lane as recommended by the Parking and Traffic Committee. Motion passed 7-0.
 - d. **Downtown Traffic Study** – *Recommend a traffic study for the downtown area.* – Following a brief discussion, Mr. Paradis, with second by Mr. Veilleux, moved to support the concept of a Downtown Traffic Study and request the Parking and Traffic

Committee to develop a scope of work and return to Council within two years. Motion passed 7-0.

- J. NIMS Training** – *Discussion of the best way for Councilors to obtain Federally mandated National Incident Management System (NIMS) IS100 and IS700 training.* – Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to move ahead with the on-line NIMS training method for elected officials. Motion passed 7-0.

K. Council Goal Setting:

1. *Review and possible adoption of goals for the next five years.* – Upon discussion the following amendments were made:

a.) Mr. Paradis, with second by Mr. Veilleux, moved to change goal number 4 in section D of the Bar Harbor Town Council Goals to read: The Town Council has completed a strategic energy plan to reduce power consumption at Town Facilities, which may or may not involve consolidation of departments and alternate/renewable energy sources. Motion passed 4-3 (Nay: Ms. Eveland, Mr. Garland, Mr. Jordan).

b.) Mr. Paradis, with second by Mr. Veilleux, moved to change goal number 1 in section B of the Bar Harbor Town Council Goals to read: The Town of Bar Harbor has developed a clear sense of direction for the development of Town Hill including sidewalks, sewer, economic development, etc. Motion passed 7-0.

c.) Mr. Paradis, with second by Mr. Veilleux, moved to adopt Council Goals as presented, and amended, with the exception of: to change goal number 2 in section D to read: The Town Council has examined, agreed upon and executed, if feasible, a land exchange with Acadia National Park to include the acquisition the Eagle Lake Site of the former sand filter site identified in the Woodard and Curran Final Water Division evaluation dated October 1, 2008. And, change goal number 5 in section D to read: Bar Harbor has implemented the 2005 Water System Master Plan as well as implemented the drinking water recommendations of Woodard & Curran for ultraviolet/sodium hypochlorite primary disinfection and chloramines for secondary disinfection. Motion passed 7-0.

2. *Identification of responsible parties.*
3. *Identification of Priority Projects for the coming calendar year.*

Mr. Paradis, with second by Ms. Schloss, moved to schedule a workshop for 6:00 pm on October 21, 2008 for the purpose of identification of responsible parties for Council Goals and Identification of Priority Projects for the coming calendar year. Motion passed 7-0.

- L. High School Funding Formula** – *Request that the League of Towns sponsor an open forum on the high school funding formula.* – Following a brief discussion, Mr. Paradis, with second by Ms. Schloss, moved to endorse a

League of Towns sponsored High School Funding Formula Forum tentatively scheduled for the evening of December 4, 2008. Motion passed 7-0.

M. General Assistance Ordinance – *Request of the Town Clerk to schedule a public hearing for November 18 to consider adoption of the annual revision of maximum benefit levels in Bar Harbor Code, Chapter 102, General Assistance, Appendixes A, B, and C pursuant to 22 MRSA §4305(4).* – Mr. Paradis, with second by Mr. Veilleux, moved to schedule a public hearing for November 18 to introduce and possibly adopt an Ordinance Amendment to the Bar Harbor Code Chapter 102; General Assistance revised maximums – Appendixes A, B, and C. Motion passed 7-0.

N. Treasurer's Warrant – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Veilleux, moved to sign the Treasurer's Warrant for paid bills. Motion passed 7-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Garland stated he was disturbed at the tone of MDOT's letter regarding Town Hill.

Ms. Schloss inquired if we advertise the numerous board vacancies. Town Manager Dana Reed replied that periodically we do run notices in the weekly newspaper and it is always posted on the website.

Ms. Eveland requested next agenda to include discussion of Council writing a letter to the newspapers articulating why Council placed the Charter Commission on the November ballot.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

A. Hadley Point – *Consideration of the acquisition or disposal of real property or rights therein. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town.)* – Mr. Paradis, with second by Mr. Veilleux, moved at 9:32 p.m. to go into executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town. Motion passed 7-0. Following a brief break, Council entered into executive session at 9:38 p.m. Council came out of executive session at 10:20 p.m.

B. Salary Plan – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Veilleux, moved at 10:20 p.m. to go into executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council entered into executive session at 10:21 p.m. Council came out of executive session at 10:43 p.m.

C. Town Manager's Performance Evaluation – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Veilleux, moved to

go into executive session at 10:44 p.m. as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0.
Council came out of executive session at 11:12 p.m.

- IX. ADJOURNMENT** – Mr. Paradis, with second by Mr. Veilleux, moved to adjourn at 11:13 p.m. Motion passed unanimously.

Paul Paradis, Secretary